

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Telecommunications Relay Services	)	CG Docket No. 03-123
and Speech-to-Speech Services for	)	
Individuals with Hearing and Speech Disabilities	)	
	)	
E911 Requirements for IP-Enabled Service	)	WC Docket No. 05-196
Providers	)	

**ORDER**

**Adopted: December 24, 2009**

**Released: December 24, 2009**

By the Chief, Consumer and Governmental Affairs Bureau, and Chief, Wireline Competition Bureau:

**I. INTRODUCTION**

1. In this *Order*, the Consumer & Governmental Affairs Bureau and the Wireline Competition Bureau extend the waivers of certain telecommunications relay services (TRS)<sup>1</sup> mandatory minimum standards for Video Relay Service (VRS)<sup>2</sup> and Internet Protocol (IP) Relay Service<sup>3</sup> that will expire on January 1, 2010, pursuant to the *2008 TRS Waiver Order*.<sup>4</sup> Specifically, we extend the waivers for six months until July 1, 2010, conditioned upon the filing of a status report due April 16, 2010, of the following requirements: (1) one-line Voice Carry Over (VCO), VCO-to-TTY, and VCO-to-VCO; (2) one-line Hearing Carry Over (HCO), HCO-to-TTY, and HCO-to-HCO; (3) call release; (4) pay-per-call

<sup>1</sup> TRS was created by Title IV of the Americans with Disabilities Act of 1990 (ADA). Pub. L. No. 101-336, § 401, 104 Stat. 327, 336-69 (1990); 47 U.S.C. § 225. TRS enables a person with a hearing or speech disability to access the nation's telephone system to communicate with voice telephone users through a relay provider and a communications assistant (CA). A CA relays the call back and forth (*e.g.*, from text to voice, and voice to text) between the calling party and called party. *See* 47 U.S.C. § 225(a)(3) (defining TRS); 47 C.F.R. § 64.601(21). The TRS mandatory minimum standards govern the provision of relay service. *See* 47 C.F.R. § 64.604.

<sup>2</sup> VRS is a form of TRS that enables the VRS user and the CA to communicate in sign language via a video link, rather than through text. VRS presently requires a broadband Internet connection. *See generally Telecommunications Relay Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 5140, 5152-54, at paras. 21-27 (March 6, 2000) (*2000 TRS Report & Order*) (recognizing VRS as a form of TRS); 47 C.F.R. § 64.601(26) (defining VRS).

<sup>3</sup> IP Relay is a form of TRS that permits individuals with hearing or speech disabilities to communicate in text messages via a computer (or other similar device), rather than with a teletypewriter (TTY) and the Public Switched Telephone Network (PSTN). *See Provision of Improved Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, Declaratory Ruling and Second Further Notice of Proposed Rulemaking, 17 FCC Rcd 7779 (April 22, 2002) (*IP Relay Declaratory Ruling & Second FNPRM*) (recognizing IP Relay as a form of TRS); 47 C.F.R. § 64.601(13) (defining IP Relay).

<sup>4</sup> *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Order, 23 FCC Rcd 18334 (Dec. 24, 2008) (*2008 TRS Waiver Order*).

(900) calls; (5) types of calls;<sup>5</sup> (6) equal access to interexchange carrier;<sup>6</sup> and (7) Speech-to-Speech (STS).<sup>7</sup>

2. In addition, we extend the waiver of certain mandatory minimum standards for default Internet-based TRS providers that are unable to meet such standards for newly-registered Internet-based TRS users using customer premises equipment (CPE) from a former default provider for which the new default provider does not have access to the technical information about the CPE to comply with the standards.<sup>8</sup> As discussed below, the Commission issued a waiver of these requirements in its December 2008 *Second Internet-based TRS Order*.<sup>9</sup> Similar to the other extensions addressed in this *Order*, we grant this extension until July 1, 2010, or until the Commission addresses pending petitions regarding CPE portability, whichever comes first.<sup>10</sup>

## II. BACKGROUND

3. The Commission's TRS regulations set forth operational, technical, and functional mandatory minimum standards applicable to the provision of TRS.<sup>11</sup> To be eligible for compensation from the Interstate TRS Fund, a TRS provider must offer service in compliance with all applicable

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<sup>5</sup> The requirement has been waived for IP Relay as long as providers allow calls to be placed using calling cards and/or provide free long distance calls. *See 2008 TRS Waiver Order*, 23 FCC Rcd at 18338, para. 12 n.40.

<sup>6</sup> The requirement has been waived indefinitely for IP Relay. *See Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket Nos. 90-571 & 98-67, CG Docket No. 03-123, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, 19 FCC Rcd 12475, at 12594 (Appendix E: Summary of IP Relay and VRS waivers) (June 30, 2004) (*2004 TRS Report & Order*).

<sup>7</sup> The requirement has been waived indefinitely for VRS. *See 2004 TRS Report & Order*, 19 FCC Rcd at 12594 (Appendix E: Summary of IP Relay and VRS waivers).

<sup>8</sup> *See, e.g.*, 47 C.F.R. §§ 64.604(a)(3); 64.605.

<sup>9</sup> *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123; *E911 Requirements for IP-Enabled Service Providers*, WC Docket No. 05-196, Second Report and Order on Reconsideration, 24 FCC Rcd 791, 822, para. 68 (Dec. 19, 2008) (*Second Internet-based TRS Order*).

<sup>10</sup> We note that there have been several petitions filed by the Internet-based TRS industry regarding customer premises equipment (CPE) portability. *See e.g.*, Viable Communications, Inc. *Petition for Expedited Modifications and Waiver*, CG Docket No. 03-123, WC Docket No. 05-196 (filed Dec. 3, 2008) (requesting, among other things, that the Commission waive the CPE portability requirement set forth in 47 C.F.R. § 64.611(e) until industry standards are established); *see also* CSDVRS *Petition for Temporary Waiver*, CG Docket No. 03-123, WC Docket No. 05-196 (filed Dec. 16, 2008) (CSDVRS *Petition*) (seeking waiver of 47 C.F.R. §64.611(e)); Communications Access for the Deaf and Hard of Hearing, *Petition for Temporary Waiver*, CG Docket No. 03-123, WC Docket No. 05-196 (filed Dec. 16, 2008) (CAC *Petition*) (same); Sorenson Communications, Inc. *Petition for Temporary Waiver*, CG Docket No. 03-123, WC Docket No. 05-196 (filed Dec. 31, 2008) (same); CSDVRS, LLC, Snap Telecommunications, Inc., Sprint-Nextel, and Viable, Inc. *Petition for Rulemaking*, CG Docket No. 03-123, WC Docket No. 05-196 (filed Apr. 14, 2009) (Joint *Petition for Rulemaking*) (seeking to eliminate the Commission's porting requirement); Purple Communications, Inc. *Request for Extension of Waiver of VRS Equipment Porting Requirement*, CG Docket No. 03-123, WC Docket No. 05-196 (filed Dec. 9, 2009) (Purple *Request for Extension*) (requesting an extension of the Commission's portability requirements until the Commission rules on pending CPE portability petitions); CSDVRS, LLC *Petition for Indefinite of Waiver of Equipment Porting Requirement*, CG Docket No. 03-123, WC Docket No. 05-196 (filed Dec. 16, 2009) (seeking an indefinite extension of the Commission's existing porting requirements).

<sup>11</sup> *See* 47 C.F.R. § 64.604.

mandatory minimum standards, unless they are waived.<sup>12</sup> The Commission, in various orders, has waived several TRS mandatory minimum standards for VRS and IP Relay either because, as Internet-based services, it is not technologically feasible to meet the requirement or, in the case of VRS, because VRS is a video-based service and the communication is via sign language and not text.<sup>13</sup>

4. Most recently, in the *2008 TRS Waiver Order* the Commission extended certain waivers until January 1, 2010.<sup>14</sup> These waivers were conditioned on the continued filing of annual reports, the last of which was due April 16, 2009, addressing whether it is necessary for the waivers to remain in effect.<sup>15</sup> All VRS and IP Relay providers filed reports detailing their progress in meeting the waived requirements.<sup>16</sup> In addition, on November 19, 2009, various VRS and IP Relay providers filed a request to extend and clarify the VRS and IP Relay waivers.<sup>17</sup> We have reviewed these reports and the *Provider Extension Request* and conclude that it is appropriate to further extend these waivers.<sup>18</sup>

5. Moreover, the Commission, in its *First Internet-based TRS Order*, adopted a uniform system for assigning users of Internet-based TRS ten-digit numbers linked to the North American Numbering Plan (NANP).<sup>19</sup> Consistent with the ADA and Commission rules, Internet-based TRS

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<sup>12</sup> See, e.g., *2000 TRS Report & Order*, 15 FCC Rcd at 5158, para. 39. The Interstate TRS Fund compensates relay providers for their reasonable costs of providing interstate TRS services and, presently, for Internet-based forms of TRS, including VRS and IP Relay, both intrastate and interstate TRS. See generally *2004 TRS Report & Order*, 19 FCC Rcd at 12482-83, paras. 7-8.

<sup>13</sup> These orders are cited below in our discussion of each waived mandatory minimum standard. See also *2008 TRS Waiver Order*, 23 FCC Rcd at 18336-41, paras. 4-19 nn. 15, 23, 35, 39, 45, 52 and 58 (addressing waivers of the VCO, HCO, call release, pay-per-call, types of calls, equal access to exchange carriers, STS, and speed dialing requirements, respectively).

<sup>14</sup> *Id.*, 23 FCC Rcd at 18334, para. 1 (extending for one year the waivers of the one-line VCO, VCO-to-TTY, and VCO-to-VCO; one-line HCO, HCO-to-TTY, and HCO-to-HCO; call release; STS; pay-per-call (900) calls, types of calls, and equal access to interexchange carrier requirements; and extending until April 30, 2009 the waiver of the speed dialing requirement for IP Relay).

<sup>15</sup> *Id.*

<sup>16</sup> See AT&T Corp., 2009 Annual Report on TRS Waivers (Apr. 16, 2009) (AT&T Report); Communication Access Center for the Deaf and Hard of Hearing, Annual Report on Progress of Meeting Waived Requirements (Apr. 16, 2009) (CAC Report); CSDVRS, LLC., Annual Report on Waivers by CSDVRS, LLC. (Apr. 15, 2009) (CSDVRS Report); Hamilton Relay, Inc., 2009 Annual Report to FCC Concerning Internet Relay, VRS and IP CTS (Apr. 16, 2009) (Hamilton Report); Healinc Telecom, Inc., 2009 Annual Mandatory Minimum Standards Waiver Report (Apr. 16, 2009) (Healinc Report); Purple Communications, Inc. (formerly GoAmerica, Inc.), Purple Relay Services, Inc. (formerly GoAmerica Relay Services, Corp), Purple Language Services, Inc. (formerly Hands On Video Relay Services, Inc.), Annual Report on Progress of Meeting Waived Requirements (filed jointly on Apr. 17, 2009) (Purple Report); Snap Telecommunications, Inc., Annual Report on Progress Towards Meeting Waived Requirements (Apr. 16, 2009) (Snap Report); Sorenson Communications, Inc., VRS and IP Relay Waiver Requirements Report (Apr. 16, 2009) (Sorenson Report); Sprint Corporation, 2009 Annual Telephone Relay Services Report (Apr. 16, 2009) (Sprint Report).

<sup>17</sup> See Hamilton Relay, Inc., AT&T Inc., CSDVRS, LLC, Sorenson Communications, Inc., Sprint Nextel Corporation, and Purple Communications, Inc., *Request for Extension and Clarification of Various iTRS Waivers*, CG Docket No. 03-123 (filed Nov. 19, 2009) (*Provider Extension Request*). Because in this *Order* we merely extend the existing waivers, we will address this request in a future proceeding.

<sup>18</sup> We note that the waiver of the speed dialing requirement for IP Relay expired on May 1, 2009. See *2008 TRS Waiver Order*, 23 FCC Rcd at 18340, para. 19 (extending waiver until April 30, 2009).

<sup>19</sup> *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123; *E911 Requirements for IP-Enabled Service Providers*, WC Docket No. 05-196, Report and Order and Further Notice of Proposed Rulemaking, 23 FCC Rcd 11591, 11592-93, para. 1 (June 24, 2008) (*First Internet-based TRS Order*).

providers were obligated to comply with existing mandatory minimum standards under the new numbering regime.<sup>20</sup> Subsequently, in the *Second Internet-based TRS Order*, the Commission waived, for one year – ending December 31, 2009 – certain mandatory minimum standards for default providers that were unable to meet such standards for newly-registered Internet-based TRS users using CPE from a former default provider. The waiver applies in cases where the new default provider does not have access to the technical information about the CPE that would be necessary in order to provide service in compliance with the standards.<sup>21</sup> Such requirements include, for example, certain operational requirements in rule 64.604(a)(3), emergency handling requirements in rule 64.605, and point-to-point calling as clarified in the *Second Internet-based TRS Order*.<sup>22</sup>

6. The Commission held that the temporary waiver was necessary in the public interest “so that Internet-based TRS providers may focus on ensuring that ten-digit numbering and E911 services function smoothly at this time of transition to the new ten-digit dialing system.”<sup>23</sup> The Commission further held that the waiver had no effect on the requirement that all Internet-based TRS providers share necessary information to provide service to customers who port their numbers in from other providers.<sup>24</sup> The Commission encouraged Internet-based TRS providers to work together to develop standards to comply with our rules.<sup>25</sup>

### III. DISCUSSION

#### A. Waivers of TRS Mandatory Minimum Standards for VRS and IP Relay

7. *One-line VCO, VCO-to-TTY, and VCO-to-VCO.* One-line VCO is a type of traditional TTY-based TRS that can be used by persons with a hearing disability but who can speak.<sup>26</sup> The VCO user speaks directly to the other party to the call, and the CA types the response back so the VCO user can read it in text. As a result, the CA does not voice any part of the conversation. The Commission waived this requirement for IP Relay providers because the voice leg of a VCO call could not be supported over the Internet with the necessary call quality.<sup>27</sup> The Commission similarly waived this requirement for

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<sup>20</sup> *First Internet-based TRS Order*, 23 FCC Rcd at 11593, para. 2.

<sup>21</sup> See *Second Internet-based TRS Order*, 24 FCC Rcd at 822, para. 68, n.236 (citing 47 C.F.R. §§ 64.604(a)(3); 64.605).

<sup>22</sup> See 47 C.F.R. §§ 64.604(a)(3); 64.605; *Second Internet-based TRS Order*, 24 FCC Rcd at 820, para. 65 (stating, “we clarify that all default providers must support the ability of VRS users to make point-to-point calls without the intervention of an interpreter. Second, we clarify that *all* providers must ensure that their devices are capable of making calls after a change in default provider, including point-to-point calls to other VRS users”).

<sup>23</sup> See *Second Internet-based TRS Order*, 24 FCC Rcd at 822, para. 68.

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> See 64 C.F.R. § 64.601(27); 47 C.F.R. § 64.604(a)(3)(v). We note that the Commission has not waived the requirement that VRS and IP Relay providers provide two-line VCO. See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, CG Docket No. 03-123, Second Report and Order, Order on Reconsideration, and Notice of Proposed Rulemaking, 18 FCC Rcd 12379, 12404-05, at paras. 35-36 (June 17, 2003) (*2003 TRS Report & Order*).

<sup>27</sup> *2008 TRS Waiver Order*, 23 FCC Rcd at 18336, para. 5 (extending waiver until January 1, 2010); see also *IP Relay Declaratory Ruling & Second FNPRM*, 17 FCC Rcd at 7789-90, para. 32 (waiving VCO requirement for IP Relay); *Provision of Improved Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Order on Reconsideration, CC Docket 98-67, 18 FCC Rcd 4761, 4766-68, at paras. 13-18 (March 14, 2003) (*IP Relay Order on Reconsideration*) (extending waiver until January 1, 2008); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech*

(continued....)

VRS.<sup>28</sup> A VCO-to-TTY call allows a relay conversation to take place between a VCO user and a TTY user; a VCO-to-VCO call allows a relay conversation to take place between two VCO users.<sup>29</sup> Consistent with its treatment of the VCO requirement, the Commission waived these requirements for VRS and IP Relay.<sup>30</sup>

8. We extend the waivers of these requirements for six months. We note that the most recent annual waiver reports reflect that VRS and IP Relay providers cannot provide these services because the Internet cannot support the voice leg of a VCO call with the necessary call quality.<sup>31</sup> These waivers are again conditioned on the filing of a report, due April 16, 2010, addressing whether it is necessary for the waivers to remain in effect, and whether a technical fix is imminent.<sup>32</sup>

9. *One-line HCO, HCO-to-TTY, and HCO-to-HCO.* One-line HCO is a type of traditional TTY-based TRS that can be used by persons with a speech disability but who can hear.<sup>33</sup> The HCO user types what he or she wishes to say to the called party, and the CA voices what the HCO user has typed. The HCO user then listens to what the called party says in response. As a result, the CA does not type any part of the conversation. For the same reason the Commission waived the VCO requirement for IP Relay, it did so with respect to the HCO requirement.<sup>34</sup> The Commission similarly waived this requirement for VRS.<sup>35</sup> An HCO-to-TTY call allows a relay conversation to take place between a HCO user and a TTY user; an HCO-to-HCO call allows a relay conversation to take place between two HCO users.<sup>36</sup> Consistent with its treatment of the HCO requirement, the Commission waived these requirements for VRS and IP Relay.<sup>37</sup>

10. Consistent with our treatment of VCO, and for the same reasons, we extend the waivers of these requirements for six months. We also note that the most recent annual waiver reports reflect that

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*Disabilities*, CG Docket No. 03-123, Order, 22 FCC Rcd 21869 (Dec. 26, 2007) (*2007 TRS Waiver Order*) (extending waiver until January 1, 2009).

<sup>28</sup> *Id.*; see also *2004 TRS Report & Order*, 19 FCC Rcd at 12527, para 135 (waiving VCO requirement for VRS until January 1, 2008); *2007 TRS Waiver Order*, 22 FCC Rcd at 21872, para. 7 (extending waiver until January 1, 2009).

<sup>29</sup> *2003 TRS Report & Order*, 18 FCC Rcd at 12403-04, paras. 33-34.

<sup>30</sup> *2008 TRS Waiver Order*, 23 FCC Rcd at 18337, para. 7 (extending waiver until January 1, 2010); see also *2003 TRS Report & Order*, 18 FCC Rcd at 12404-05, para. 36 (waiving VCO-to-TTY and VCO-to-VCO requirement for VRS and IP Relay until January 1, 2008); *2007 TRS Waiver Order*, 22 FCC Rcd at 21872, para. 7 (extending waiver until January 1, 2009).

<sup>31</sup> See AT&T Report at 2; CSDVRS Report at 3; Hamilton Report at 4-5; Purple Report at 4; Snap Report at 10-11; Sprint Report at 2-3, 6-7.

<sup>32</sup> See para. 4, *supra*.

<sup>33</sup> See 64 CFR § 64.604(9); 47 C.F.R. § 64.604(a)(3)(v). We note that the Commission has not waived the requirement that VRS and IP Relay providers provide two-line HCO. See *2003 TRS Report & Order*, 18 FCC Rcd at 12404-05, paras. 35-36; note 15, *supra*.

<sup>34</sup> *2008 TRS Waiver Order*, 23 FCC Rcd at 18337, para.7 (extending waiver until January 1, 2010); see also *IP Relay Order on Reconsideration*, 18 FCC Rcd at 4767-68, paras. 15-18 (waiving HCO requirement for IP Relay until January 1, 2008); *2007 TRS Waiver Order*, 22 FCC Rcd at 21872, para. 8 (extending waiver until January 1, 2009).

<sup>35</sup> *2007 TRS Waiver Order*, 22 FCC Rcd at 21872, para. 9 (extending waiver until January 1, 2009); see also *2004 TRS Report & Order*, 19 FCC Rcd at 12527, para 135 (waiving HCO requirement for VRS until January 1, 2008).

<sup>36</sup> *2003 TRS Report & Order*, 18 FCC Rcd at 12403, paras. 31-32.

<sup>37</sup> *Id.*, 18 FCC Rcd at 12404-05, para. 36 (waiving HCO-to-TTY and HCO-to-HCO requirement for VRS and IP Relay until January 1, 2009).

VRS and IP Relay providers cannot provide these services.<sup>38</sup> These waivers are also conditioned on the filing of a report, due April 16, 2010, addressing whether it is necessary for the waivers to remain in effect.<sup>39</sup>

11. *Call Release.* Call release allows a CA to set up a TTY-to-TTY call that, once established, does not require the CA to relay the conversation.<sup>40</sup> In other words, this feature allows the CA to sign-off or be “released” from the telephone line, without triggering a disconnection between two TTY users, after the CA connects the originating TTY caller to the called party’s TTY through, e.g., a business switchboard. The Commission waived this requirement for VRS and IP Relay.<sup>41</sup>

12. We extend the waiver of this requirement for six months due to technological infeasibility. This conclusion is supported by the providers’ annual waiver reports, which reflect that the Internet leg of the call (via video or text) cannot support call release functionality.<sup>42</sup> This waiver is also conditioned on the filing of a report, due April 16, 2010, addressing whether it is necessary for the waiver to remain in effect.<sup>43</sup>

13. *Pay-Per-Call (900) calls.* Pay-per-call (900) calls are calls that the person making the call pays for at a charge greater than the basic cost of the call.<sup>44</sup> The Commission waived this requirement for VRS and IP Relay.<sup>45</sup>

14. We extend the waiver of this requirement for VRS and IP Relay for six months. The providers’ annual waiver reports reflect there is still no billing mechanism available to handle the charges associated with pay-per-call calls.<sup>46</sup> This waiver is also conditioned on the filing of a report, due April 16, 2010, addressing whether it is necessary for the waiver to remain in effect.<sup>47</sup>

15. *Types of Calls (Operated Assisted Calls and Long Distance Calls).* Commission rules require TRS providers to handle any type of call normally handled by common carriers.<sup>48</sup> The

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<sup>38</sup> See note 16, *supra*.

<sup>39</sup> See para. 4, *supra*.

<sup>40</sup> See 2003 TRS Report & Order, 18 FCC Rcd at 12418-19, paras. 68-69 (requiring call release as a TRS feature); 47 C.F.R. § 64.604(a)(3)(vi).

<sup>41</sup> 2007 TRS Waiver Order, 22 FCC Rcd at 21873, para. 11 (extending waiver until January 1, 2009); see also 2003 TRS Report & Order, 18 FCC Rcd at 12421, para. 76 (waived until January 1, 2008).

<sup>42</sup> See AT&T Report at 3; CSDVRS Report at 7; Hamilton Report at 6; Purple Report at 3-4; Snap Report at 8-9; Sorenson Report at 6; Sprint Report at 4, 10.

<sup>43</sup> See para. 4, *supra*.

<sup>44</sup> See 47 C.F.R. § 64.604(a)(3)(iv).

<sup>45</sup> 2008 TRS Wavier Order, 23 FCC Rcd at 18338, para. 11 (extending waiver until January 1, 2010); see also IP Relay Order on Reconsideration, 18 FCC Rcd at 4766-68, paras 13-18 (waiving this requirement for IP Relay until January 1, 2008); 2004 TRS Report & Order, 19 FCC Rcd at 12525-26, paras. 130-32 (extending waiver of this requirement for VRS until January 1, 2008); 2007 TRS Waiver Order, 22 FCC Rcd at 21874, para. 13 (extending waiver until January 1, 2009); see also *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Order, CC Docket No. 98-67, 17 FCC Rcd 157, 164, at para. 19 (Dec. 31, 2001) (2001 VRS Waiver Order) (Common Carrier Bureau).

<sup>46</sup> AT&T Report at 2; CAC Report at 2; CSDVRS Report at 6-7; GoAmerica Report at 4; Hamilton Report at 5-6; Snap Report at 5; Sorenson Report at 3-4; Sprint Report at 2, 7.

<sup>47</sup> See para. 4, *supra*.

<sup>48</sup> See 47 C.F.R. § 64.604(a)(3).

requirement that VRS providers offer operator-assisted calls and bill certain types of calls to the end user is presently waived because providers cannot determine if a VRS call is local or long distance.<sup>49</sup> VRS providers are required to allow calls to be placed using calling cards and/or provide free long distance during the waiver period.<sup>50</sup> In the *2008 TRS Waiver Order*, we also waived this requirement for IP Relay “as long as the providers allow calls to be placed using calling cards and/or to provide free long distance calls.”<sup>51</sup>

16. We extend the waiver of this requirement for VRS and IP Relay for six months. The providers’ annual waiver reports reflect that it remains technologically infeasible for VRS providers to offer operator-assisted calls and to bill for certain types of long distance calls because one leg of the VRS call is transmitted over the Internet.<sup>52</sup> Although we noted in the *2008 TRS Waiver Order* that providers will be able to determine the geographic location of both parties to the call as a result of the ten-digit numbering requirements, the record reflects that providers still cannot meet the types of calls requirement because it remains impractical for providers to offer operator-assisted calls or to bill for long distance calls.<sup>53</sup> We therefore waive this requirement for VRS and IP Relay for six months as long as providers allow calls to be placed using calling cards and/or provide free long distance calls. This waiver is also conditioned on the filing of a report, due April 16, 2010, addressing whether it is necessary for the waiver to remain in effect.<sup>54</sup>

17. *Equal Access to Interexchange Carriers.* The TRS rules require that providers offer TRS users their interexchange carrier of choice to the same extent that such access is provided to voice users.<sup>55</sup> The Commission has waived this requirement for VRS providers, noting that it was not possible to determine if a call is long distance and, in any event, the providers could not automatically route the calls to the caller’s long distance carrier of choice.<sup>56</sup> The Commission also noted that this waiver was contingent on VRS providers providing long distance services free of charge to the caller.<sup>57</sup> The Commission waived this requirement for IP Relay indefinitely.<sup>58</sup>

18. We extend the waiver of this requirement for VRS for six months. The providers’ annual waiver reports again reflect that because they cannot determine whether a particular call is local or long

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<sup>49</sup> *2008 TRS Waiver Order*, 23 FCC Rcd at 18338, para. 13 (extending waiver until January 1, 2010) and nn 40 (waiving this requirement for IP Relay); *see also 2001 VRS Waiver Order*, 17 FCC Rcd at 161, paras. 9-10; *2004 TRS Report & Order*, 19 FCC Rcd at 12521, paras. 113-15; *2007 TRS Waiver Order*, 22 FCC Rcd at 21874, para. 15 (extending waiver until January 1, 2009); *see also 2007 TRS Waiver Order*, 22 FCC Rcd at 21874, para. 14 n.44.

<sup>50</sup> *2001 VRS Waiver Order*, 17 FCC Rcd at 161, para. 10; *2004 TRS Report & Order*, 19 FCC Rcd at 12521, para. 115. We waived, on our own motion, the types of calls requirements for IP Relay as long as the providers allow calls to be placed using calling cards and/or to provide free long distance calls. *2008 TRS Waiver Order*, 23 FCC Rcd at 18338, para. 12 n. 40.

<sup>51</sup> *2008 TRS Waiver Order*, 23 FCC Rcd at 18338, para. 12 n.40.

<sup>52</sup> Snap Report at 3; Sorenson Report at 1; Sprint Report at 1, 8.

<sup>53</sup> Purple Report at 2; Snap Report at 2-3; Sprint Report at 1.

<sup>54</sup> *See* para. 4, *supra*.

<sup>55</sup> *See* 47 C.F.R. § 64.604(b)(3); *see also 2003 TRS Report & Order*, 18 FCC Rcd at 12413-15, paras. 54-61. This requirement is also called the “carrier of choice” requirement.

<sup>56</sup> *2008 TRS Waiver Order*, 23 FCC Rcd at 18339, para. 15 (extending waiver until January 1, 2010); *see also 2004 TRS Report & Order*, 19 FCC Rcd at 12524-25, paras. 125-27 (waiving the requirement until January 1, 2008). *2007 TRS Waiver Order*, 22 FCC Rcd at 21874-75, paras. 16-17 (extending waiver until January 1, 2009).

<sup>57</sup> *2008 TRS Waiver Order*, 23 FCC Rcd at 18339, para. 14.

<sup>58</sup> *IP Relay Declaratory Ruling & Second FNPRM*, 17 FCC Rcd at 7789, para. 31.

distance, they cannot offer carrier of choice but instead do not charge consumers for long distance.<sup>59</sup> Based on the record, we therefore extend this waiver for VRS for six months as long as the providers provide free long distance calls. This waiver is also conditioned on the filing of a report, due April 16, 2010, addressing whether it is necessary for the waiver to remain in effect.<sup>60</sup> Providers should specifically address the effect of the numbering and registered location requirements on the continuing need for this waiver.

19. *Speech-to-Speech.* In the *2000 TRS Report & Order*, the Commission recognized STS as a form of TRS and required that it be offered as a mandatory service.<sup>61</sup> The Commission waived this requirement indefinitely for VRS,<sup>62</sup> noting that STS is a speech-based service, whereas VRS is a visual service using interpreters to interpret in sign language over a video connection.<sup>63</sup> The requirement for IP Relay is waived until January 1, 2010, because of the technical difficulties with respect to voice-initiated calls and the Internet.<sup>64</sup>

20. We extend the waiver of this requirement for IP Relay for six months. Providers continue to report that this service, like the VCO and HCO services, cannot be provided via IP Relay because of erratic voice quality.<sup>65</sup> This waiver is also conditioned on the filing of a report, due April 16, 2010, addressing whether it is necessary for the waiver to remain in effect.<sup>66</sup>

#### **B. Waiver for Default Providers Using Other Providers' CPE**

21. We extend the waiver of certain mandatory minimum standards for default Internet-based TRS providers that are unable to meet such standards for newly-registered Internet-based TRS users using customer premises equipment from a former default provider because the new default provider does not have access to the technical information about the CPE that would be necessary in order to comply with the standards.<sup>67</sup> As discussed above, the Commission has encouraged Internet-based TRS providers to work together to develop industry-wide standards that will facilitate compliance with our rules; however, based on the record, no such standards have been developed.<sup>68</sup>

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<sup>59</sup> AT&T Report at 2-3; CSDVRS Report at 8-9; Purple Report at 2-3; Snap Report at 4-6; Sorenson Report at 2; Sprint Report at 1.

<sup>60</sup> See para. 4, *supra*.

<sup>61</sup> *2000 TRS Report & Order*, 15 FCC Rcd at 5148-51, paras. 14-20. STS allows persons with speech disabilities to communicate with voice telephone users through the use of specially trained CAs who understand the speech patterns of persons with disabilities and can repeat the words spoken by that person. See 47 C.F.R. § 64.601(19).

<sup>62</sup> *2004 TRS Report & Order*, 19 FCC Rcd at 12526-27, paras. 134-35 (waiving indefinitely STS requirement for VRS).

<sup>63</sup> *Id.*, 19 FCC Rcd at 12528, para. 139.

<sup>64</sup> *2008 TRS Waiver Order*, 23 FCC Rcd at 18340, para. 17 (extending waiver until January 1, 2010); *IP Relay Order on Reconsideration*, 18 FCC Rcd at 4766-67, paras. 13-14 (waiving STS requirement for IP Relay until January 1, 2008); see also *2007 TRS Waiver Order*, 22 FCC Rcd at 21875, para. 19 (extending waiver until January 1, 2009);

<sup>65</sup> AT&T Report at 2; Hamilton Report at 5; Sorenson Report at 6; Sprint Report at 5.

<sup>66</sup> See para. 3, *supra*.

<sup>67</sup> See para. 5, note 22, *supra*.

<sup>68</sup> See e.g., Purple Request for Extension at 2 (stating that “[d]espite regular meetings on this topic among industry providers, no industry standard or method exists today to support the various devices currently distributed or being distributed in the market to allow them to be ported from one default provider to another.”); CSDVRS Petition at 3 (arguing that although providers are working on developing a standard, nothing has been established and the

(continued....)



22. Accordingly, consistent with our rationale in the *Second Internet-based TRS Order*, we find an extension of our waiver is in the public interest to allow more time for the industry to work on developing standards to enable Internet-based TRS providers to comply with all mandatory minimum standards regardless of the type of CPE. We extend this waiver until July 1, 2010, or until the Commission addresses pending petitions regarding CPE portability, whichever comes first.<sup>69</sup>

#### IV. ORDERING CLAUSES

23. Accordingly, IT IS ORDERED that, pursuant to sections 151, 225, and 251(e) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 225, and 251(e), and sections 0.91, 0.141, 0.291, 0.361, and 1.3 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.141, 0.291, 0.361, and 1.3, this ORDER IS ADOPTED.

24. IT IS FURTHER ORDERED that, for VRS, the waivers of the one-line VCO, VCO-to-TTY, and VCO-to-VCO; one-line HCO, HCO-to-TTY, and HCO-to-HCO; call release; pay-per-call (900) calls, types of calls, and equal access to interexchange carrier requirements are hereby extended for six months until July 1, 2010, conditioned on the filing of a report, due April 16, 2010, addressing whether it is necessary for the waivers to remain in effect.

25. IT IS FURTHER ORDERED that, for IP Relay, the waivers of the one-line VCO, VCO-to-TTY, and VCO-to-VCO; one-line HCO, HCO-to-TTY, and HCO-to-HCO; call release; pay-per-call (900) calls; types of calls, and STS requirements are hereby extended for six months until July 1, 2010, conditioned on the filing of a report, due April 16, 2010, addressing whether it is necessary for the waivers to remain in effect.

26. IT IS FURTHER ORDERED that the *Provider Extension Request*, filed Nov. 19, 2009, is granted to the extent provided herein.

27. IT IS FURTHER ORDERED that, the waiver of certain mandatory minimum standards for default Internet-based TRS providers as set forth in the *Second Internet-based TRS Order* is hereby extended for six months until July 1, 2010, or the Commission's action, whichever is earlier.

28. IT IS FURTHER ORDERED that this *Order* shall be effective upon release.

29. To request materials in accessible formats (such as Braille, large print, electronic files, or audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau

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industry needs more time to “work out a standard that is fair to all providers, properly vet such a standard, develop and add the required software to the applicable equipment, and take other steps to fully implement the standard.”); CAC Petition at 2 (noting that there is no industry standard that would allow providers to accept routing information delivered by end user equipment that has been distributed by other providers); Joint Petition for Rulemaking at 4 (same); Letter from Gil M. Strobel, Counsel to Sorenson Communications, Inc. to Marlene H. Dortch, Secretary, FCC, CG Docket No. 03-123, WC Docket No. 05-196 at 2 (filed Aug. 20, 2009) (stating that it has developed and circulated an industry standard and is committed to working with the industry on its proposed standard).

<sup>69</sup> As noted above, *see* note 10, *supra*, there have been several petitions filed by the Internet-based TRS industry regarding CPE portability, however the waiver extended in this *Order* is limited to the mandatory minimum standards set forth in the *Second Internet-based TRS Order*. *See Second Internet-based TRS Order*, 24 FCC Rcd at 822, para. 68 (citing 47 C.F.R. §§ 64.604(a)(3), 64.605); *see also* para. 5, note 22, *supra*.

at (202) 418-0530 (voice) or (202) 418-0432 (TTY). This *Order* can also be downloaded in Word and Portable Document Formats (PDF) at <http://www.fcc.gov/cgb/dro>.

FEDERAL COMMUNICATIONS COMMISSION

Joel Gurin, Chief  
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